# NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <u>before</u> the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

#### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

## <u>Chapter 7</u>: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

## <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in instalments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them,

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using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

#### **Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

#### Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

#### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

#### Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by  $\S 342(b)$  of the Bankruptcy Code.

Printed Name and title, if any, of Bankruptcy Petition Preparer Address:	Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer,
<b>X</b>	principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer of officer, principal, responsible person, or partner whose Social Security number is provided above.	-
Certificate of the Debtor	

I (We), the debtor(s), affirm that I (we) have received and read this notice.

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Wilson, Michael A	X /s/ Michael A Wilson	12/28/2007
Printed Name(s) of Debtor(s)	Signature of Debtor	Date
Case No. (if known)	X	
	Signature of Joint Debtor (if any)	Date

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4					

United States Bankruptcy Court Northern District of Illinois						Voluntary Petition				
Name of Debtor (if individual, enter Last, Wilson, Michael A	of Debtor (if individual, enter Last, First, Middle): on, Michael A				Name of Joint Debtor (Spouse) (Last, First, Middle):					
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):						
Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): <b>1352</b>				Last four dethan one, se	_	oc. Sec.	No./Complete	EIN or other	Tax I.D. No. (if more	
Street Address of Debtor (No. & Street, City, State & Z 2136 Dewes Street Glenview, IL		Zip Code	e):		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):					e & Zip Code):
Glenview, iL		ZIPCOD	E 60025		ZIPCODE					
County of Residence or of the Principal Pla	ace of Busin	iness:			County of Residence or of the Principal Place of Business:					
Mailing Address of Debtor (if different fro	m street add	lress)			Mailing Ac	ldress of	Joint De	ebtor (if differer	nt from stree	t address):
		ZIPCOD	)E						Z	IPCODE
Location of Principal Assets of Business D		ferent fr	om street address	s abov	ve):					
2136 Dewes Street, Glenview, II	-								Z	IPCODE <b>60025</b>
<b>Type of Debtor</b> (Form of Organization)			Nature o (Check					-		Code Under Which Check one box.)
(Check <b>one</b> box.)  ✓ Individual (includes Joint Debtors)  See Exhibit D on page 2 of this form.  Corporation (includes LLC and LLP)  Partnership  Other (If debtor is not one of the above check this box and state type of entity be		Sin U.S Rai Sto	S.C. § 101(51B)			apter 9 apter 11 apter 12 apter 13	Chapter 15 Petition for Recognition of a Foreign Main Proceeding Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding  Nature of Debts (Check one box.)			
		Titl	(Check box, btor is a tax-exer le 26 of the Unite	Tax-Exempt Entity (Check box, if applicable.) or is a tax-exempt organization under			bts are primaril ots, defined in 1 01(8) as "incuri ividual primaril sonal, family, o	y consumer 1 U.S.C. red by an y for a	Debts are primarily business debts.	
Filing Fee (Che	eck one box)	)		I.	Check one	hov:		Chapter 11 I	Debtors	
Full Filing Fee attached			1 1 2 2 4	]	Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).  Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).					
Filing Fee to be paid in installments (Apattach signed application for the court's is unable to pay fee except in installmen 3A.	consideratio	on certify	ing that the debt		Check if: Debtor's affiliates		te nonco	ontingent liquida 190,000.		wed to non-insiders or
Filing Fee waiver requested (Applicable attach signed application for the court's					Check all a  A plan is  Acceptan	pplicable s being fil nces of th	e <b>boxes</b> : led with ne plan v	this petition		om one or more classes of
Statistical/Administrative Information  ☐ Debtor estimates that funds will be ava  ☑ Debtor estimates that, after any exemp distribution to unsecured creditors.						d, there v	vill be n	o funds availab	le for	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors  1-49 50-99 100-199 200-999	1,000 5,000		5,001- 10,000	10,00 25,00		25,001- 50,000		50,001- 100,000	Over 100,000	
Estimated Assets					000,001 to million	\$100,00 to \$500		\$500,000,001 to \$1 billion	More than \$1 billion	
Estimated Liabilities			\$10,000,001 to \$50 million			\$100,00 to \$500		\$500,000,001 to \$1 billion	More than \$1 billion	

Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or	Affiliate of this Debtor (If me	ore than one, attach additional sheet)
Name of Debtor: None	Case Number:	Date Filed:
District:	Relationship:	Judge:
Exhibit A  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  Exhibit A is attached and made a part of this petition.	(To be completed whose debts are p I, the attorney for the petitioner that I have informed the petitio chapter 7, 11, 12, or 13 of the explained the relief available u	Exhibit B I if debtor is an individual primarily consumer debts.) named in the foregoing petition, declar the that [he or she] may proceed under the 11, United States Code, and have notice each such chapter. I further certification that the notice required by § 342(b) of the
Exhi	Signature of Attorney for Debtor(s)	Date
Does the debtor own or have possession of any property that poses or is a or safety?  Yes, and Exhibit C is attached and made a part of this petition.  No	aneged to pose a timeat of minime	nt and identifiable harm to public heard
Exhi  (To be completed by every individual debtor. If a joint petition is filed, ea  Exhibit D completed and signed by the debtor is attached and ma	ach spouse must complete and att	ach a separate Exhibit D.)
If this is a joint petition:  Exhibit D also completed and signed by the joint debtor is attached.	ed a made a part of this petition.	
Information Regardin  (Check any ap  ✓ Debtor has been domiciled or has had a residence, principal place of preceding the date of this petition or for a longer part of such 180	pplicable box.) of business, or principal assets in t	his District for 180 days immediately
☐ There is a bankruptcy case concerning debtor's affiliate, general p	partner, or partnership pending in	this District.
Debtor is a debtor in a foreign proceeding and has its principal pl or has no principal place of business or assets in the United States I in this District, or the interests of the parties will be served in reg	but is a defendant in an action or p	roceeding [in a federal or state court]
C4-4		
	s as a Tenant of Residential I	
	s as a Tenant of Residential I	Property

(Address of landlord or lessor) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

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filing of the petition.

(This page must be completed and filed in every case)

**Voluntary Petition** 

Location

Where Filed: None

Doc 1

Filed 12/28/07

Document

Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)

Entered 12/28/07 12:01:01

Page 4 of 8 Name of Debtor(s):

Case Number:

Wilson, Michael A

Desc Main

Date Filed:

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#### **Signatures** Signature(s) of Debtor(s) (Individual/Joint) Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this I declare under penalty of perjury that the information provided in this petition is true and correct. petition is true and correct, that I am the foreign representative of a debtor [If petitioner is an individual whose debts are primarily consumer debts in a foreign proceeding, and that I am authorized to file this petition. and has chosen to file under Chapter 7] I am aware that I may proceed (Check only **one** box.) under chapter 7, 11, 12 or 13 of title 11, United State Code, understand ☐ I request relief in accordance with chapter 15 of title 11, United the relief available under each such chapter, and choose to proceed under States Code. Certified copies of the documents required by 11 U.S.C. chapter 7. § 1515 are attached. [If no attorney represents me and no bankruptcy petition preparer signs ☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the the petition] I have obtained and read the notice required by 11 U.S.C. § chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X /s/ Michael A Wilson Signature of Foreign Representative Michael A Wilson Signature of Debtor Χ Χ Printed Name of Foreign Representative Signature of Joint Debtor Telephone Number (If not represented by attorney) December 28, 2007 Date Signature of Attorney\* **Signature of Non-Attorney Petition Preparer** I declare under penalty of perjury that: 1) I am a bankruptcy petition X /s/ Jeffrey L. Hahn preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for Signature of Attorney for Debtor(s) compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), Jeffrey L. Hahn 1041220 110(h) and 342(b); 3) if rules or guidelines have been promulgated Printed Name of Attorney for Debtor(s) pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services Hahn Law Office chargeable by bankruptcy petition preparers, I have given the debtor Firm Name notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that 125 North Second Street section. Official Form 19 is attached. Address Delavan, WI 53115-0897 Printed Name and title, if any, of Bankruptcy Petition Preparer (262) 728-2800 Social Security Number (If the bankruptcy petition preparer is not an individual, state the Telephone Number Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) December 28, 2007 Address \*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect. Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this partner whose social security number is provided above. petition is true and correct, and that I have been authorized to file this

petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of	of Authorized	Individual		
Printed Na	me of Author	ized Individual		
Title of Au	thorized Indiv	vidual		

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or

Page 3

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

Case 07-24374 Official Form 1, Exhibit D (10/06)

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IN RE:		Case No.
Wilson, Michael A		Chapter 7
·	Debtor(s)	•

#### EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by

the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
2. Within the 180 days <b>before the filing of my bankruptcy case</b> , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.]

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, participate in a credit counseling briefing in person, by telephone, or through the Internet.);
Active military duty in a military combat zone.
5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109( does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ Michael A Wilson

Date: December 28, 2007

Certificate Number: 01401-1LN-CC-003079473

# **CERTIFICATE OF COUNSELING**

I CERTIFY that on December 26, 2007	, at _	3:23	o'clock PM EST,
Michael A Wilson		receive	d from
GreenPath, Inc.		·	
an agency approved pursuant to 11 U.S.C. §	111 to p	rovide credi	t counseling in the
Northern District of Illinois	, an	individual [	or group] briefing that complied
with the provisions of 11 U.S.C. §§ 109(h) a			
A debt repayment plan was not prepared	If a do	ebt repaymer	nt plan was prepared, a copy of
the debt repayment plan is attached to this c	ertificat	<b>3</b> .	
This counseling session was conducted by t	elephone		
Date: December 26, 2007	Ву	/s/Holli Brat	t for Jeremy Lark
	Name	Jeremy Lark	
	Title	Counselor	

<sup>\*</sup> Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 109(h) and 521(b).

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Wilson, Michael A 2136 Dewes Street Glenview, IL 60025

Hahn Law Office 125 North Second Street Delavan, WI 53115-0897

JX Financial, Inc. P.O. Box 5 Waukesha, WI 53187-0005